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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,600	01/18/2002	Yoshitaka Fujita	P14979-A	4645
21254 7590 11/10/2008 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER RENNER, BRANDON M				
ART UNIT		PAPER NUMBER		
2419				
MAIL DATE		DELIVERY MODE		
11/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/050,600	Applicant(s) FUJITA, YOSHITAKA
Examiner BRANDON RENNER	Art Unit 2419

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: 11-16 and 23-27.
 Claim(s) objected to: _____.
 Claim(s) rejected: 3-5, 8-16 and 23-27.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Hassan Kizou/
 Supervisory Patent Examiner, Art Unit 2419

Continuation of 11, does NOT place the application in condition for allowance because: Regarding claims 3 and 8, Applicant argues the prior art of record does not teach or fairly suggest adding, to each of the communication signals an identification address preassigned to a predetermined signal identifying section. The Examiner respectfully disagrees with Applicant's arguments. Gelman teaches a conventional internet system. Further, a Web server (28) communicates with terminals (15) on a LAN. IP routers are assigned to the web server and to the terminals. Data packets are passed through the system. A link must be established between the IP router through the switch and ultimately to the LAN where the terminal (15) resides. The data is passed through a DSLAM (20); Column 4 Lines 18-39. Thus, as the Final Rejection states, Gelman discloses routing tables which contain preassigned addresses that are used to determine the various routes based on the address identified in the received packet. The data being sent must go hop by hop through the system and the IP router assigns these address identifiers to determine where the packet will be sent. As Gelman further discloses, if the Web server and terminal it wishes to communicate with were assigned different IP routers, more passes would be necessary; Column 4 Lines 32-39. Further, IP provides routing functions for a packet from node to node (hop by hop) until the packet arrives at the destination using the routing tables; Column 2 Lines 20-25. Thus, Gelman does disclose adding an address identifier to the packets being sent through the system which get multiplexed/demultiplexed along the way. These packets are sent to their respective destinations based on the address information. In light of the claimed language, the rejection is maintained.

Regarding claims 5 and 10, Applicant argues the prior art of record does not teach or fairly suggest extracting an IP address from each packet in the received multiplexed signal and the IP address being preassigned. The Examiner respectfully disagrees with Applicant's arguments. Johnson discloses a switch or router provides a bridge for PPP streams. Further the switch or router examines the contents of the stream and selectively separates out specified packets and forwards these packets to their respective destination; Column 8 Lines 22-40. Thus, the received packets are examined and the IP address (associated with the destination) is extracted from the PPP stream. As mentioned in the Final office action, routing tables are used. Routing tables assign IP addresses to data being sent through the system. Thus one would appreciate that the IP addresses being extracted by Johnson were preassigned to the data packet before they are received and examined. Thus, in light of the claimed language, the rejection is maintained.

Regarding claims 4 and 9, Applicant argues Gelman and Johnson do not teach or fairly suggest the communication signal include a PPP packet for each Internet subscriber and the address being a MAC ID. Examiner respectfully disagrees. As the Final office action states, Gelman discloses forming the packets into MAC frames (i.e. assigning a MAC ID to the packet); Column 2 Lines 20-22 and Johnson further discloses packets arriving (i.e. received) at the switch/router are formatted into PPP format and inserted into the PPP stream and sent back to the subscriber device; Column 8 Lines 30-33. Thus for the communication stream associated with the user device (12), the packet is formatted into PPP, and thus in light of the claimed language, the rejection is maintained. The Applicant argues that nowhere in Johnson are teachings of a MAC address as recited in claim 4. However, the Examiner would like to point out Johnson was not used to disclose any teachings of a MAC address. As noted in the Final office action, Gelman is used for the teachings of a MAC address.